

Deficiencies and Corrective Actions

1. Deficiency:

The CUPA is not meeting the inspection frequency for the CalARP and Hazardous Waste Generator Programs, which is primarily the result of their efforts and resource requirements for the UST inspections and other UST Program activities. A review of the FY 01/02, 02/03, and 03/04 Inspection Summary Report 3 and the FY 02/03 and 03/04 CUPA Self-Audit Reports indicates that the CUPA has conducted approximately 10% of the CalARP stationary sources and 20-30% of HWG regulated businesses during each of the past 3 fiscal years.

By December 15, 2005, the CUPA shall develop a mechanism to ensure that all stationary sources and generators within their jurisdiction are inspected at least every three years.

Corrective Action:

Santa Barbara County Fire Department is, as of March 1, 2006, current with the number of CalARP inspections per year. We will continue to strive to stay current, given our staffing issues.

Also, as of the same date, we have completed over 250, of the 350 inspections per year goal, for the Hazardous Waste Generator program. This has been difficult given our staffing issues but all possible attempts will be made to continue with this progress.

We have developed an overview of all facilities in the county, specific to the district locations, and are concentrating our efforts in the areas with higher numbers of HW Generators to maximize our time.

2. Deficiency:

The CUPA's UST Permit does not a list of all the permit conditions, It is missing two required permit conditions, including a condition that the owner and operator are subject to all applicable requirements of Chapter 6.7 and 6.75 of the California Health and Safety Code and these regulations and a statement that facility monitoring, response, and plot plans are to be maintained on site.

The CUPA will amend their permit to include these conditions as the permits are renewed.

Corrective Action:

Both of these statements have been added to the CUPA UST permit.

3. Deficiency:

The Area Plan is missing the following two required elements: (1) Monitoring and decontamination guidelines for emergency response personnel and equipment and (2) Provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors. The Area Plan was last updated in September 2003. The Santa Barbara County OES is the primary county agency responsible for the development and maintenance of the County's Area Plan.

The CUPA will update the Area Plan, incorporating all the missing elements, and forward a copy of the revised plan to the evaluation team leader within 6 months (December 15, 2005).

Corrective Action:

Staff will be attending training in the near future, provided by OES HazMat Unit, LEPC I/VI, to enable CUPA unit personnel to update and maintain the Area Plan for Santa Barbara County. We hope to be able to accomplish an update by the end of the coming year.

4. Deficiency:

The CUPA's annual Business Plan inventory "no change" certification form does not contain all the required statements. The form is missing the following three statements, which the business signs and attests to: (1) The information contained in the hazardous materials inventory most recently submitted to the CUPA is complete, accurate, and up to date, (2) There has been no change in the quantity of hazardous materials reported in the most recently submitted inventory, (3) No hazardous materials subject to inventory requirements are being handled that are not listed on the most recently submitted inventory.

By July 15, 2005, the CUPA will revise their annual inventory "no change" certification form to include the missing statements.

Corrective Action:

These statements have been added to the Business Plan inventory "no change" certification form.

5. Deficiency:

<p>The CUPA is not ensuring that businesses with minor violations return to compliance within 30 days from the date of notice to comply. Based on a review of the hard copy files, only approximately 20 % of the businesses regulated by the Business Plan Program submit return to compliance certification, certifying that the violations have been corrected. A HWG example is the 01/18/05 inspection conducted at the Raytheon Corporation where the following violation was cited: 1) Provide manifests for disposal of hazardous waste for life of facility by 01/28/05. No date of correction was noted either in a re-inspection report or in a Return to Compliance Certificate. Another HWG example is the 07/31/02 inspection conducted at the Okonite Company where the following violations were cited: 1) Label and date all hazardous waste containers including satellite containers-keep all wastes containers tightly secured and closed when not adding or removing waste; 2) review permits are under assessment; and, 3) hold hazardous waste training to part E of the BP. The record did not have a date of correction when either a re-inspection was conducted or in a Return to Compliance Certificate submitted.</p>	<p>Supervision will coordinate with staff on a monthly basis and ensure staff follow-up appropriately to ensure follow-up on violations to achieve compliance and appropriately document return to compliance. Documentation of the compliance, i.e., signature of business, will be noted into file.</p>
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Corrective Action:

The CUPA unit supervisor has bi-weekly unit meetings during which "return to compliance" issues, along with other issues are discussed. Additionally, each inspector receives a data sheet for each inspection detailing the violations noted during the inspection. This data sheet is used to log the various dates of "return to compliance".

6. Deficiency:

The CUPA did not appropriately classify a Hazardous Waste violation during the HWG oversight inspection conducted on May 26, 2005 at the Marion Medical Center. While the CUPA appropriately cited illegal storage of hazardous waste, the classification is not consistent with the definitions of minor, Class II, and Class I violations. Pursuant to Health and Safety Code, Sections 25110.8.5 and 25117.6, Title 22 Section 66260.10, and DTSC Enforcement Response Policy EO-02-003-PP, the illegal storage of a hazardous waste is a Class I violation not a Class II violation as classified by the CUPA inspector during the inspection.	The CUPA will initiate the appropriate enforcement action for this inspection within the 135 days from the date of inspection.
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Corrective Action:

These items were addressed and the information forwarded to the DTSC representative, as requested, in January, 2006.

7. Deficiency:

The CUPA is not ensuring that businesses are updating or submitting annual Permit by Rule notifications. Additionally the CUPA is not taking any enforcement at those businesses that fail to submit such information.	By January 1, 2006, the CUPA will begin requesting annual PBR renewals.
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Corrective Action:

This item has not been addressed as of this date. However, the new CUPA unit supervisor will develop a mechanism for determining the businesses subject to this requirement and the best way to ensure notifications are made to submit the annual renewals.